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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 ANTONIO L. SPORTSMAN,

11 Plaintiff,

12 v.

13 MICHAEL J. ASTRUE,

14 Defendant.

CASE NO. C12-1616JLR

ORDER ADOPTING REPORT
AND RECOMMENDATION

15 **I. INTRODUCTION**

16 This matter comes before the court on the Report and Recommendation of United
17 States Magistrate Judge Brian A. Tsuchida (R&R (Dkt. # 22)), and Plaintiff Antonio
18 Sportsman's objections thereto (Objections (Dkt. # 23)). This is a social security case,
19 and the parties dispute whether Mr. Sportsman is entitled to benefits. Having carefully
20 reviewed all of the foregoing, along with all other relevant documents and the governing
21 law, the court ADOPTS the Report and Recommendation, AFFIRMS the Administrative
22 Law Judge's ("ALJ") decision, and DISMISSES this case with prejudice.

I. BACKGROUND

Mr. Sportsman applied for and was denied Supplemental Security Income (“SSI”) and Disability Insurance Benefits (“DIB”). After his applications were denied, he requested a hearing in front of an ALJ. The ALJ conducted a hearing and found that Mr. Sportsman was not disabled. Mr. Sportsman appealed that decision to this court, and Magistrate Judge Tsuchida issued a report and recommendation recommending that the ALJ’s decision be affirmed and the case dismissed.

II. STANDARD OF REVIEW

A district court has jurisdiction to review a Magistrate Judge’s report and recommendation on dispositive matters. Fed. R. Civ. P. 72(b). “The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” *Id.* “A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). The court reviews de novo those portions of the report and recommendation to which specific written objection is made. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

III. DISCUSSION

Mr. Sportsman’s first objection to the Report and Recommendation asserts that the ALJ failed to properly evaluate different pieces of medical evidence consistent with the Social Security Regulations. (Objections at 1-2.) Mr. Sportsman argues that the ALJ should have weighed the evidence differently than he did. His second objection is that the ALJ failed to properly evaluate Mr. Sportsman’s testimony regarding his symptoms

1 and limitations. (*Id.* at 8.) He argues that the ALJ’s failure to properly evaluate all of the
2 medical evidence tainted his evaluation of Mr. Sportsman’s testimony. (*Id.*)

3 Neither of Mr. Sportsman’s objections raise any novel issues that were not
4 addressed by Magistrate Judge Tsuchida’s Report and Recommendation. Moreover, the
5 court has thoroughly examined the record before it and finds Magistrate Judge Tsuchida’s
6 reasoning persuasive in light of that record. Mr. Sportsman essentially reargues the
7 arguments he made to Magistrate Judge Tsuchida, and the court independently rejects
8 them for the same reasons as Magistrate Judge Tsuchida. Mr. Sportsman asks the court
9 to weigh the evidence differently than the ALJ did, arguing that the ALJ’s findings are
10 not supported by substantial evidence and resulted from “legal error.” The court has
11 reviewed the record and concludes that substantial evidence supports all of the ALJ’s
12 findings and there is no legal error in the ALJ’s ruling.

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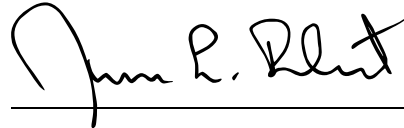
IV. CONCLUSION

For the foregoing reasons, the court hereby ORDERS as follows:

(1) The court ADOPTS the Report and Recommendation (Dkt. # 22) in its entirety, AFFIRMS the decision of the ALJ, and DISMISSES this case;

(2) The court DIRECTS the Clerk to send copies of this Order to counsel for all parties and to Magistrate Judge Tsuchida.

Dated this 9th day of September, 2013.

A handwritten signature in black ink, appearing to read "James L. Robart", written over a horizontal line.

JAMES L. ROBART
United States District Judge